श्री सभापति : प्रश्न मध्य प्रदेश का है। मगर आप अगर बता सकें तो बता दीजियेगा ।

श्री ब्रह्म दत्त : मैं साधारण सूचना दे देता हूं क्योंकि यह प्रश्न एक महत्वपूर्ण इलाके के बारे में है । मैं स्वयं कुछ महाने पहले जैसलमेर के इलाके में गया था । वहां घोटारो, मनहर डिब्बा, टलौट और रामगढ़ इन चार जगहों में गैस मिली है । बहुत ज्यादा मात्रा में तो नहीं मिली लेकिन उसकी बगल में पाकिस्तान के इलाके में गस और तेल दोनों निकाले जा रहे हैं । इसलिये हमारा प्रयास वहां जारी है । इन चारों कुओं को मिलाकर पाइप भी हम डाल रहे हैं । वहां रामगढ़ की जो गैस है उसमें । परसेन्ट हीलियम मिली है । हमारा देश 30–40 करोड़ रूपया का हीलियम आयात करता है । हम यह भी प्रयास कर रहे हैं, अटामिक एनर्जी कमीशन की सहायता से कि हम उस हीलियम को वहां एक्सट्रैक्ट करें । इसकी संभावना का हम पता कर रहे हैं और इन चारों जगहों की लाइन को करके रामगढ़ में एक छोटा पावर स्टेशन बनाने के लिये हमने राजस्थान गवर्नमेन्ट को कहा है । वहां पर पर्याप्त मात्रा में चूने का पत्थर है । अगर वे चाहेंगे तो उस इंडस्ट्री को भी हम देंगे क्योंकि उसको बाहर भेजना बड़ा मुश्किल है । वहां वह काम किया जायेगा ।

Loans from DPE Account to Drug Companies

*224. DR. (SHRIMATI) SAROJINI MAHISHI:†

SHRI RAJNI RANJAN SAHU:

Will the Minister of INDUSTRY be pleased to state:

(a) whether the money available in the Drug Price Equalisaton Account can be loaned to the drug companies;

(b) if so, under what provisions of law; and

(c) what are the requirement or guidelines laid down for the purpose for getting loans from the DPE Account?

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): (a) No, Sir. (b) and (c) Do not arise.

DR. (SHRIMATI) SAROJINI MAHISHI: Mr. Chairman, Sir, the Minister has given an answer on the 2nd May, 1988 that a loan of Rs. 2.39 crores has been given to IDPL and on the 22nd August, 1988 he has said that Rs. 10.32 crores have been given by way of fund to IDPL from the Equalisation Fund. On the 2nd May, he has said that he has given it as a loan. We do not know, Sir, under what provisions the loan has been given. Paragraph 17 of the Drug Price Control Order either of 1979 or 1987 never says that a loan can be given. If it is given as a loan as he has mentioned on the 2nd May, 1988, under what circumstances the loan was given? What are the specific interests for which it was given? What is the percentage of interest? Can other companies also get such loan? So all these questions arise. There is no provision for giving loans. I would like the Minister to clarify whether the provisions of the Drug Price Control Order were modified by a gazette order or notified order. All these things have to be made clear by the Government.

SHRI J. VENGAL RAO: Sir, this point has been clarified with reference to the question No. 103 answered on the 2nd May, 1988 in Rajya Sabha. It was stated in the answer that the amount has been given to the Hindustan Anti-biotics under DPA which was due to those companies. It was not a loan. What has been stated was that if any excess amount is paid to them the same would be refunded to the Government. The amount in question was given to them in accordance with the provisions of the DPCO.

DR. (SHRIMATI) SAROJINI MAHISHI: Sir, I would like to ask another question. The Minister was kind enough to say that the amount was not given as a loan. But on the 2nd May, he has definitely answered that he has given it as a loan. There

†The question was actually asked on the floor of the House by Dr. (Shrimati) Sarojini Mahishi.

is no modification in the order of the DPCO. That is one thing. Secondly, if loans are to be given, are other companies also entitled for this facility? May I know from the Minister whether any company asked for this type of loan?

SHRI J. VENGAL RAO: Sir, I have already clarified that this is not a loan. In fact, I have sent the clarification also.

DR. (SHRIMATI) SAROJINI MAHISHI: How is it consistent? On the second May, he has said that it was a loan.

SHRI J. VENGAL RAO: This misunderstanding was there. That is why I have sent the clarification to the Secretariat.

DR. (SHRIMATI) SAROJINI MAHISHI: On the 2nd May, 1988 he has said that it was given as a loan. If there is anything to clarify on this point he should have come to the House and said that it is not given as a loan.

MR. CHAIRMAN: He has corrected his mistake.

DR. (SHRIMATI) SAROJINI MAHISHI: Another question arises in this regard. On account of overcharging the consumers, certain amount had to be recovered from the IDPL and HAL and the same put in the equalisation fund. The equalisation fund is given to the manufacture or the importer or the distributor for overcoming the shortage in the retention price and in the sale price or being equitable price in the distribution of the drug and in the pool price to overcome the difficulties that he faces in the initial stages. Of course, for recovering the amount from IDPL and HAL what the Government has to do is that they have to institute a case or recovering for overcharging. This overcharging also includes five imported drugs. On the 21st November, 1988 licence has been given to IDPL for the import of the five drugs. I can give the names of the drugs. They are, Tetracyclene, Vitamin B-1, HCL Vitamin B-2, Vitamin B-6 and other things. They have increased the price four times more than the imported price and they have sold it in the market. The recovery proceedings were started on the 17th August, 1987 and on the 7 h March, 1988, the prorceedings were withdrawn. What is the criteria for the withdrawal? The total amount to be recovered on account of overcharging drug is Rs. 250 crores from different concerns. Under these circumstances, I would like to know from the Minister what is the criteria for withdrawing the case and for institution.

May I know from the Minister whether the Drug Price Control Order has been modified? Or has it been ever gazetted or has it been brought before the Parliament? May I know from the Minister whether any provision has been made?

SHRI J. VENGAL RAO: Sir, there is no question of withdrawal of any cases.

DR. (SHRIMATI) SAROJINI MAHISHI: On 22nd August, 1987, proceedings were started.

MR. CHAIRMAN: He says, cases have not been withdrawn.

DR. (SHRIMATI) SAROJINI MAHISHI: On 7th March 1988, he has said, they are withdrawn. (*Interruption*).

SHRI J. VENGAL RAO: I never said.

DR. (SHRIMATI) SAROJINI MAHISHI: I shall give the question number Sir.

MR. CHAIRMAN: You come to me.

SHRI J. VENGAL RAO: Sir, you can refer to my answer of last Monday. I clearly told, there are no cases and there is no withdrawal. Last Monday, I answered your question.

DR. (SHRIMATI) SAROJINI MAHISHI: On last Monday, the question I gave, Sir, these were the items which were imported by the IDPL in spite of the fact that the licence for manufacturing was given to them and they sold it at the rate four times more than the imported price. This is one question. Another question, for earlier items, the amount was to be recovered and he said, the proceedings were

started on the 17th August 1987. On the 7th March 1988, he said, the proceedings are withdrawn. I would like to know if cases are going to be withdrawn and these are going to be waived, does it become automatically applicable to other cases also that the money is to be recovered by the equalisation fund?

MR. CHAIRMAN: Did you file cases?

SHRI J. VENGAL RAO: Sir, last Monday, I told that no case were filed and no withdrawals were there. (*Interruptions*)...

MR. CHAIRMAN: Rs. 250 crores, she says.

SHRI J. VENGAL RAO: In almost all cases, it is nearly Rs. 20-25 crores.

MR. CHAIRMAN: Did you file any case?

SHRI J. VENGAL RAO: Sir, it is pending with the ACC. We are appointing a High-powered Committee and after the clearance of the ACC, the High-powered Committee will go into the cases.

DR. (SHRIMATI) SAROJINI MAHISHI: Sir, I shall make the things clear. (*Interruption*)...

SHRI SUBRAMANIAN SWAMY: Sir, you must protect the lady. (*Interruption*).

DR. (SHRIMATI) SAROJINI MAHISHI: Sir, Rs. 250 crores are to be recovered from different concerns for overcharging the consumers and this has been decided. Out of that, only Rs. 17 crores have been collected till now. Out of this, Rs. 10.82 crores have been given by way of fund to IDPL and Rs. 2.39 crores as by way of loan also. I am making the things very clear, Sir. On 17th of August 1987, he said, the proceedings have started to recover from the IDPL. On the 7th of March 1988, he said, the proceedings are dropped. Does it mean automatically that the things would be dropped in the case of all the other concerns or does it mean that the provisions have been modified, paragraph 17, paragraph 31 of DPCO, 1979, 1987 have been modified? Have they been brought before the House? How without gazette notification, they have been modified?

SHRI J. VENGAL RAO: My answer to her first question is, who has decided Rs. 250 crores? By her or by the Government.

DR. (SHRIMATI) SAROJINI MAHISHI: How can I? His Ministry has given this. (*Interruption*).

SHRI J. VENGAL RAO: It is unreliable. There is no relevance.

MR. CHAIRMAN: We will see the proceedings.

DR. (SHRIMATI) SAROJINI MAHISHI: I am giving the date and the question number.

SHRI SUBRAMANIAN SWAMY: Let the Minister make a commitment that if she writes to the Minister, he will give a reply.

DR. (SHRIMATI) SAROJINI MAHISHI: Sir, let there be a short duration discussion on this.

SHRI J. VENGAL RAO: If you write a letter to me, I will answer it (Interruption). Let me see the proceedings.

श्री रजनी रंजन साहू : सभापति महोदय, इस विषय पर बहुत सी बातें पिछले दिनों में इस सदन में हो चुकी हैं इसलिये मैं ज्यादा उन बातों की ओर नहीं जाऊंगा और अपने सवाल को आज के प्रश्न तक ही सीमित रखूंगा । मैं मंत्री महोदय से एक आश्वासन चाहता हूं । मंत्री महोदय ड्रग प्राइस आर्डर, 1979 को बदलने में सक्षम हैं । क्या मंत्री महोदय सदन को आश्वस्त करेंगे कि ड्रग प्राइस आर्डर की धारा 17 को बदल देंगे जिसमें कि कम्पनियों को ऋण देने का अधिकार नहीं है, ताकि आई०डी०पी०एल० और एच० ए० एल० के ऐसी सभी रकमों को ग्रांट में परिणत कर सकें ?

SHRI J. VENGAL RAO: We have not given any loan. I have said this. The hon. Member also knows very well.

MR. CHAIRMAN: No loan has been given.

SHRI J. VENGAL RAO: No loan, Sir.

श्री रजनी रंजन साहू : मान्यवर, मेरा सवाल यह है कि दस करोड़ रुपया आई०डी० एल को दिया और फिर दो करोड़ चालीस लाख लोन नहीं, ऐसे ही दिया—तो पब्लिक सैक्टर कम्पनी को मदद करने के लिये सारी ऐसी रकम को ग्रांट में परिणित करने का हम आश्वासन देंगे ।

श्री जगेश देसाई : उसमें क्या फर्क पड़ता है ।

SHRI J. VENGAL RAO: Sir, I am answering the question. Under the Drug Price Equalisation Account, there is a recovery of Rs. 18.14 crores.

MR. CHAIRMAN: From IDPL?

SHRI J. VENGAL RAO: Not from IDPL. From all the companies. The recovery sought to be made is Rs. 18.14 crores. It was credited to the Drug Price Equalisation Fund. Out of that, we paid IDPL Rs. 10,32,82,000/- odd; Hindustan Antibiotics, Rs. 3,43,78000|; and Jayant Vitamins, Rs. 20,24,000|- odd. There are so many companies. Out of that, we have paid about Rs. 17,00,92,000/-, nearly Rs. 18 crores, for all these drug companies.

श्री रजनी रंजन साहू : मान्यवर यह को ड्रग प्राइस इक्वीलाइजेशन फंड है, इसका झगड़ा बहुत दिनों से इस सदन में चल रहा है । सात सौ करोड़ का सवाल था पर पिछले दिनों मंत्री महोदय ने मंजूर किया जैसा कि माननीय सदस्या कह रही हैं (..व्यवधान)

श्री सभापति : आप उनको लिखें वह आपको बता देंगे ।

श्री रजनी रंजन साहू : लेकिन हम यह कह रहे हैं कि पब्लिक सैक्टर जो भारत सरकार का है, उनको ऐसी सब रकम ग्रांट में दे दें—क्योंकि वह घाटे में चल रही है अब तो उसको ग्रांट देकर उसे फायदे में लाने का प्रयोजन हो, ऐसा आश्वासन मंत्री महोदय दे सकते हैं, या नहीं ?

यह मेरा सीधा सा प्रश्न है ।

SHRI J. VENGAL RAO: Sir, there is a procedure, Sir. The money available under the DPEA shall be utilised only for paying the manufacturer or importer or distributor as the case may be. The short-fall between the retention price and the common pool price for the purpose of increasing the production of drugs and securing the equitable distribution and the availability thereof... (*Interruptions*). On this fomula only we distribute, Sir.

SHRI JAGESH DESAI: Sir, I would like to suggest to the hon. Minister that there should be difference in the yardsticks applied to private and public sectors as regards the funds to be diverted. When we see the figures, for IDPL it is Rs. 10 crores; for HAL it is Rs. 3,43,00,000/; but, in the case of multinationals the amounts are very much less. Will the Government scrutinise the accounts of these companies and find out the real picture and will it accordingly, ask those companies to pay the difference for the equalisation fund and will that amount be handed over to public sector industries so that they can run efficiently and get resources?

SHRI J. VENGAL RAO: I answered this already last Monday. Today also I am answering. We are appointing a high-power committee. Still we are awaiting clearance. After that we shall certainly collect all the amounts and invest them in public sector undertakings.